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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/601,721

06/23/2003

David G. Peot

10710/197

8690

(PTG-1063-PAP)

7590

05/05/2006

EXAMINER

DEXTER, CLARK F

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ART UNIT

PAPER NUMBER

3724

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/601,721 | PEOT ET AL. | |
| | Examiner | Art Unit | |
| | Clark F. Dexter | 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response filed on February 6, 2006 has been entered.

Drawings

2. The drawings were received on February 6, 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhlmann, pn 281,275.

Kuhlmann discloses a saw with every structural limitation of the claimed invention including:

a frame having a table top (e.g., B), said table top including a blade slot;
a saw blade (e.g., A) extending through said blade slot;
a riving knife (e.g., I) connected to said frame and aligned with said saw blade,
said riving knife having a top and a bottom, said top having at least one slot (e.g., R, R);
and a guard (e.g., S) releasably attached to said riving knife, said guard having a guard

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top plate, a multi-position pin (e.g., Q) mounted to said guard, said pin being moveable with respect to the guard to a first position (e.g., rotated to a tightened position) to attach securely said guard to said riving knife such that said guard top plate is securely and rigidly attached to said riving knife and said pin being moveable with respect to the guard to a second position (e.g., rotated to a loosened position) to allow for removal of said guard from said riving knife;

wherein said guard can be removed from said riving knife without the use of any tools.

Regarding claim 21, Kuhlmann discloses a saw with every structural limitation of the claimed invention including:

a frame having a table top (e.g., B), said table top including a blade slot;

a saw blade (e.g., A) extending through said blade slot;

a riving knife (e.g., I) connected to said frame and aligned with said saw blade, said riving knife having a top and a bottom, said top having at least one slot (e.g. R, R);
and

a guard (e.g., S) releasably attached to said riving knife, said guard having a top plate, wherein said guard can be removed from said riving knife without the use of any tools, wherein said guard top plate is securely and rigidly mounted to said riving knife when said guard is attached to said riving knife.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhlmann, pn 281,275.

Regarding claim 3, Kuhlmann discloses first and second slots, but lacks the slots being dog-legged in opposite directions. However, such slot configurations are old and well known in the art and provide various well known benefits including facilitating disassembly while maintaining the edge strength and thus the structural integrity of the component. Groff, pn 291,187 discloses one example of such slot structure. Therefore,

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it would have been obvious to one having ordinary skill in the art to provide such slots on the saw of Kuhlmann for the well known benefits including that described above.

Regarding claims 4, 5, 12, 14 and 18, a bail pivotally mounted to the top plate of the guard. However, such bails, particularly arc-shaped bails, are old and well known in the art and provide various well benefits including safety benefits. Troupenat, pn 997,720 discloses a sawing device with a bail (e.g., 11, 12), wherein the bail has distinct left and right bail portions. Therefore, it would have been obvious to one having ordinary skill in the art to provide a bail on the table saw of Kuhlmann for the well known benefits including that described above.

Regarding claims 6-10, 12, 13, 19 and 20, Kuhlmann lacks the various viewing features including a viewing slot, a magnifying lens and a light source. However, such features are old and well known in the art and provide various well known benefits including assisting an operator in viewing the workpiece and/or the blade during a cutting operation. Wappat, pn 1,830,579, Campbell et al., pn 5,794,351 and Bosten et al., pn 5,375,495 provide examples of such viewing features. Therefore, it would have been obvious to one having ordinary skill in the art to provide such viewing features on the table saw of Kuhlmann for the well known benefits including that described above.

Regarding claim 11, Kuhlmann lacks the riving knife raising and lowering with the saw blade. However, such a riving knife configuration is old and well known in the art and provide various well known benefits including maintaining a desired relationship between the riving knife and the blade. Neighbour, pn 1,821,113 discloses one example of such a configuration (e.g., see Fig. 4). Therefore, it would have been

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obvious to one having ordinary skill in the art to provide a riving knife that raises and lowers with the saw blade on the table saw of Kuhlmann for the well known benefits including that described above.

Regarding claim 17, Kuhlmann lacks the first pin having a lever. However, levers on fastening devices such as that disclosed in Kuhlmann are old and well known in the art and provide various well known benefits including facilitating tightening of the fastener by providing a lever to apply additional leverage. Therefore, it would have been obvious to one having ordinary skill in the art to provide a lever on the first pin of Kuhlmann for the well known benefits including that described above.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Regarding applicant's remarks at the bottom of page 7 of the response, it is respectfully submitted that it is clear that claim 21 was examined based on the inclusion thereof in the rejection under 35 USC 112, 1st paragraph. Further, it is believed to be clear that the limitations of claim 21 were met in the same manner as the limitations for claim 1. However, all of the claims have been amended to obviate the rejection under 35 USC 112, 1st paragraph and must be reconsidered based on the new limitations.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
May 1, 2006